

ONION CREEK HOMEOWNERS ASSOCIATION

Board of Directors Meeting Minutes

September 15, 2022

FINAL

I. Call to Order The regular monthly meeting of the Onion Creek Homeowners Association was held Thursday September 15th at Onion Creek Club. The meeting was called to order by President, Jerry Patterson at 4:00 p.m.

Board members attending: Martin Benavides, Fred Blood, Chris Burges, Jerry Epting, Ken Fess, Brad Glendenning, Darcy Hansen, Kathy Lahaye, Jerry Patterson, Dick Perrone and Tom Thies.

Board members absent: Beth Cubriel

Also attending: Denise Cadell & Jane Redding, HOA office staff.

II. Recognize Visitors/Guests

Guests attending: Jimmy Chandler

Jerry welcomed our guest and thanked him for attending.

III. Approval of Minutes

Chris Burges moved to approve the August 20, 2022, board meeting minutes, Darcy Hansen seconded; the minutes were unanimously approved.

IV. Financial Report – Kathy Lahaye, Treasurer

Kathy provided the following report.

Total Revenue: The total YTD revenue for August was \$470,484 which is \$4,542 under budget. Total Operating Expenses: The total YTD operating expenses for August were \$346,059 which is \$19,475 under budget. The most significant variances to budget were as follows:

Landscape – Other was \$4,248 under budget, Park Maintenance was \$26,055 over budget, Security was \$38,212 under budget, Neighborhood Expense was \$6,469 over budget, Legal was \$2,294 under budget and Newsletter was \$3,378 under budget.

The net revenue over expense YTD was \$124,426.

Cash balances at 08/31/22:

Operating - \$348,447.03

Reserves - \$116,860.66

Kathy will check with Terri Giles to determine why the Neighborhood Expense was over budget.

V. HOA Office Report – Denise Cadell

Denise reported that since August 20th, 2022, seven home sales have closed and twelve are currently pending.

The latest delinquency report received from Terri Giles indicates a balance of \$38,731.14 owed in unpaid HOA dues. One of our largest balances for \$2,267.47 was paid in full on September 14th. Two liens have been released within the last 30 days based on payments received. Of the 11 demand letters that were mailed out in May, all balances have been paid in full except for one.

We have collected 73 email addresses from residents who had not provided them in the past. The office will follow up with those who have not yet responded.

VI. Committee Reports

A. Volunteer Security Patrol – Chris Burges

Chris had nothing to report.

B. Development/Infrastructure – Jerry Epting

Jerry received approximately 18 notifications from the city about new infrastructure projects, but all were from areas more than 10 miles away from Onion Creek.

C. Crisis Management/Neighborhood Watch-Fred Blood/Beth Cubriel

Fred reported that he and Beth are preparing for National Night Out (NNO) which will be held on Tuesday, October 4th beginning at 6:00 p.m. An email was sent out to all residents asking for volunteer hosts. Responses are due to Fred by Friday, September 23rd. Once responses have been received, a flyer will be created advertising all the NNO gatherings. This will be sent out to residents via email and advertised on NextDoor for Onion Creek only.

Onion Creek HOA will purchase snacks and educational materials to be delivered to event hosts.

D. Traffic Control – Brad Glendenning

Brad reported that the previous study that the city had done to measure the volume of traffic on La Costa Drive (lying cables across the road) did not meet the criteria for identifying this street as having a volume traffic issue. It doesn't mean that the study can't be done again in the future, and this may be an option. Jerry Patterson confirmed that there is nothing more that Onion Creek can do for the La Costa Drive residents. The board considers the matter closed at this time. Brad has spent a considerable amount of time talking to residents, collecting feedback, and talking to city officials, but unless the criteria is met, our hands are tied. Brad will draft an article which will be published in the November/December *Onion Creek Times* newsletter to apprise those residents of the situation.

Brad will delegate responsibility to other board members to complete the street painting stripes project and to replace any necessary street signs. He will use the maps he created for Neighborhood Watch to determine where work is required.

E. Legal – Darcy Hansen

Darcy reported that she will work with the office beginning next month to prepare any demand letters that may be necessary.

F. Government Affairs – Fred Blood

Fred reported that there are 5 candidates vying for Region 5 City of Austin Council. He has been in contact with most of them and currently, we have four candidates that are planning to attend the Candidate Forum which is tentatively scheduled for October 12th. Once the date is officially confirmed, residents will be notified via email. The cost to reserve a conference room at Onion Creek Club is \$400 and Fred hopes to have approximately 50-60 residents attend.

G. Landscape/Parks – Dick Perrone

Dick reported that one resident's lawn had to be mowed by our lawn contractor since the owner did not respond to letters sent. The owner has now been notified and they will be invoiced by contractor.

Dick will also address the tall grass which hasn't been mowed in front of Chilton Place Townhouses and the hackberry tree which needs to be removed in Sullivan Park. A load of dirt will be delivered to Sullivan Park before the end of the month to cover the unsightly ruts.

H. Communications – Beth Cubriel

Jerry reported in Beth's absence that the deadline for the November/December newsletter will be October 1st. He reminded board members to submit their articles as quickly as possible.

I. Architectural Control/Rules & Enforcement– Ken Fess & Martin Benavides

Ken provided the following report.

COMPLAINTS RECEIVED:

- New (15 Aug– 12 Sept):	45	
o 26 Heavy mold on house or fence		
o 9 Landscaping (weeds/grass)		
o 3 Trailers in driveways		
o 8 Other		
- Open (18 Mar – present):	69	
- Closed (1 Jan – present):	94	
- Processed to date:		163

WORKING ISSUES:

- Legal requirements for establishment of policy implementation beyond CC&Rs by HOAs

PENDING ACTIONS:

- Rules & modifications extract
- Legal requirements for establishment of policy implementation beyond CC&Rs by HOAs

MODIFICATION ISSUES:

- ACC has approximately 12 open modification requests

BOD ACTIONS REQUESTED:

- ***For the Executive Session***
 - o Political (and other) signs & Unauthorized Flags
 - o Short-term rentals limitations
 - o Legal requirements for establishment of policy implementation beyond CC&Rs by HOAs

Ken brought up our 2020 Flag Display Policy and stated that we should revisit it. He feels that the 2020 revision was probably intended so that residents could celebrate sports teams, birthdays, and other special occasions. Some residents are using the current policy to display flags for social or political issues. We have two choices, #1, adopt a policy that coincides with state law protections, which allows display of the U.S., State, and military branch flags or #2, adopt a policy which adds additional flags, but then becomes unenforceable when the board would attempt to prohibit some flags that weren't among those added. Texas case law states that if we don't universally enforce our policies, we can lose the right to enforce them in the future. Ken recommended that we craft a memo to our residents stating that our policy will change. Jerry Patterson advised that if we explain to residents why we are making this change, they are usually more receptive. The bottom line is even though limiting our policy to just the three statutory protected flags under Texas law will eliminate display of other flags that no one objects to, if we don't impose those limitations, we will likely lose our ability to prohibit flags that most would object to.

Darcy Hansen moved that we withdraw the 2020 Flag Display Policy and revert to the 2011 version. The motion was seconded by Jerry Patterson. The motion was passed. Jerry will compose an article for the November/December newsletter to apprise residents of the change and he will address this change at the October 20th board meeting.

Ken mentioned that signs in the neighborhood are also a concern since the only place where signs are mentioned in the CC&Rs was when Onion Creek was being developed. Consistent with Texas Law, the Onion Creek board passed a resolution in May of 2012 which stated that political signs can be displayed 90 days prior to an election, and they must be removed 10 days afterwards. 'For Sale' and 'For Rent' signs are currently allowed.

Prohibited signs include signs from businesses advertising their services/products. Ken reiterated that the fact is/the law states that if you don't make every good faith effort to enforce our rules, then residents are not obligated to obey them. Ken stated that this was not consistently done in the past and his goal is to ensure compliance going forward. Ken stated that the top two complaints concerning signs are ones from businesses/contractors advertising their services and signs that show support for a cause (i.e. Support APD, MAGA & BLM); which could be considered political. Since Onion Creek does not have a stated resolution concerning signs other than political signs, Ken offered to draft one. Jerry suggested that we table the discussion on signs until the October 20th meeting. Ken said the Rules & Enforcement Committee will not enforce any complaints on signs until the board provides clarification.

Ken and Jerry discussed resolutions vs. CC&R's, and which one has authority. Darcy advised that we, as a board have a right to define things. This is being worked on with our HOA's attorney.

Ken mentioned that we have received several complaints asked residents using their homes for short term rentals (via Airbnb, VRBO, etc.) and we need to discuss this topic. Specific language prohibiting short term rentals is mentioned in Legends Place and Legends Way CC&R's and the committee will continue to enforce these violations. Jerry asked that we table this until the October 20th meeting.

J. Security- Tom Thies

Tom reported that August and September were quiet in the neighborhood. He received several reports of homeless individuals along the service road of IH-35 near The Greens. Tom reminded everyone to pick up their packages as quickly as possible as package theft is on the rise. Tom advised that the Smith Security vehicle that was involved in the wreck earlier in the year has been released to the body shop for repairs.

Tom discussed the staff issues with Ken Roe at Smith Security and reported that they are currently two officers short. As of September 15th, a new officer was hired. An ad was posted in the last newsletter and two residents applied with one willing to work the 10 p.m. to 6 a.m. shift. Tom suggested that we hire this resident, get him trained and ready for work. This will allow us to have one ready to go as a back-up if needed.

VII. Old Business

Dick asked all board members to consider staying on the board for another year if their term is up. If you are not planning to stay, recommending a solid replacement would be appreciated.

Denise reminded everyone to have all invoices sent to the office so that they can be processed and remitted to Terri Giles as quickly as possible. There were recently two incidents where the office was not aware of a charge and Terri Giles had to track down the receipts. Darcy stated that if a contract is initiated or an item/service is ordered that has a recurring charge, that she needs to review it first.

VIII. New Business

Smith Security Officers Pay Raise-Tom Thies

Tom advised that we need to review officers pay to determine if an increase would help to retain them. After his discussion with Ken Roe at Smith Security, he was advised that they have received more applicants, but the range of pay is higher elsewhere. Tom distributed a comparison pay chart for all board members to review and opened the floor for discussion. Tom advised that we are currently under budget at this time, and we do have the money available for a pay increase if a raise is approved. Board members Dick Perrone, Kathy Lahaye, and Darcy Hansen will meet with Tom and Ken Roe to discuss in more detail. Dick suggested that if we vote to increase pay, that we make it effective on January 1, 2023. Ken Fess stated that we need to ensure that we are seriously competitive and to keep in mind that the labor market is a lot more expensive than it has been. Tom recommended that we do not act on a pay raise today but wanted the board to discuss and to have the facts/figures presented so that we can vote on this at the next meeting.

Tom advised that Smith Security also works with the City of Austin and the city has proposed raising officers pay to \$20-\$22 per hour. Although it is not a mandate for us to do anything, it does indicate the competition in pay that we are up against.

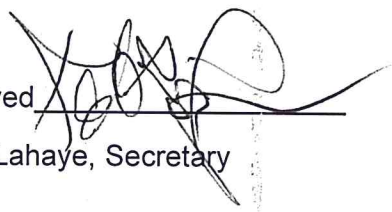
IX. Meeting Adjournment

Marty Benavides moved that the meeting be adjourned; Darcy Hansen seconded; the motion was unanimously approved. The meeting was adjourned at 5:47 p.m.

The next meeting will be held on Thursday, October 20 at 4:00 p.m. at Onion Creek Club.

Recording Secretary- Denise Cadell

Approved _____


Kathy Lahaye, Secretary